

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Matter of:)
)
Amendment of Sections 74.1203(a)(3) and)
74.1204(f) of the Commission's Rules to)
Protect Local Radio Service provided by) RM-11786
Fill-In Area FM Translators)
)
)
TO: Office of The Secretary:)

**COMMENTS ON PETITION FOR RULEMAKING FILED BY AZTEC CAPITAL
PARTNERS, INC.**

Broadcast Learning Center, Inc.,¹ ("BLC") hereby files its Comments to the Petition for Rulemaking filed by Aztec Capital Partners, Inc., ("Aztec") in RM-11786 on April 7, 2017 requesting amendments to Sections 74.1203(a)(3) and 74.1204(f) of the Commission Rules in connection with distant full power FM station claims of interference against FM translators.

BLC supports Aztec's proposed rule changes to alleviate a long standing inequity in the rules relating to distant full-power FM stations attempting to extend their coverage as against local FM translators. The Commission has recently taken a number of steps to improve the fortunes of AM broadcasters through its "AM Revitalization" proceeding, including the pairing of FM Translator stations (through the 2016 "purchase and move" filing windows and the forthcoming 2017 "new translator" filing windows) with AM stations facing severe challenges in a multi-platform universe of programming options. BLC has seen firsthand examples of the claimed "interference" by distant FM stations as currently being experienced by Aztec and

¹ Broadcast Learning Center, Inc. is licensee of FM translator W237EH, Pennsauken, NJ (Facility ID#141664), which rebroadcasts AM station WVCH, Chester PA (Facility ID#74166)

believes the proposed minor changes to the rules would provide protection to that class of FM translators associated with AM stations, which are currently subject to being silenced by these distant FM complaints and nullifying the efforts of the AM Revitalization proceeding. An FM translator operating within either the contours of 74.1201(h) or 74.1201(j) should not be subject to interference complaints from a distant full-power FM station which does NOT have protected service contours over the same area as the FM translator. BLC concurs with Aztec's argument that the current application of the rules appears to run counter to the tenets of Section 307(b) of the Communications Act, particularly given the importance of FM translators in serving as lifelines for AM stations and as outlets for minority communities which often have no other financial viable means of providing programming responsive to their constituents.

Furthermore, as described by Aztec, the current *ad hoc* methodology of complaint resolution employed by the Media Bureau invites a complainant to engage in potentially collusive activities and questionable ethical behavior. For the foregoing reasons, BLC supports Aztec's request for the Commission to commence a proceeding to amend Sections 74.1203(a)(3) and 74.1204(f) of the Commission's rules in the manner suggested by Aztec in its Petition.

Respectfully Submitted,

RADIOTVLAW ASSOCIATES, LLC



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May 2, 2017

CERTIFICATE OF SERVICE

I, Anthony T. Lepore, hereby certify that a copy of the foregoing "Comments on Petition for Rulemaking" was served this 2nd day of May, 2017 by first class United States Mail, postage prepaid, upon the following:

Kenneth Trujillo, Esq.
1341 N. Delaware Ave #408
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A handwritten signature in black ink, appearing to read 'Anthony T. Lepore', is positioned above a horizontal line.

Anthony T. Lepore